

**LAKE COUNTY IMPACT FEE COMMITTEE**  
**January 20, 2011**

The Lake County Impact Fee Committee met on Thursday, January 20, 2011 in Training Room "A" at the Lake County Agricultural Center at 1951 Woodlea Rd. Tavares, Florida. Ordinance 1996-31, effective April 19, 1996, created this Committee to review impact fees adopted by the Board of County Commissioners, evaluate the expenditure of funds collected via impact fees, and make recommendations to the Board of County Commissioners.

Ordinance 2004-26, enacted April 6, 2004, effective April 13, 2004, changed the name of the Impact Fee Evaluation and Review Committee to the Lake County Impact Fee Committee. A current commissioner of the Lake County Board of County Commissioners shall serve as liaison in a nonvoting position and shall not be considered a member.

**County Commission Liaison**

Commissioner Sean Parks

**Members Present:**

Jeffrey Banker, Citizen at Large  
Bill Benham, Agricultural Industry Representative (Arrived 10:06 AM)  
Nancy Hurlbert, Citizen at Large, Chairman  
Linda Nagle, Home Builders Association of Lake County  
Jim Richardson, League of Cities  
Dennis Sargent, Citizen at Large  
Davis Talmage, Banking and Finance

**Members Not Present:**

John Buxman, Chamber of Commerce  
Carol MacLeod, Lake County Schools  
Alan Winslow, Citizen at Large

**Staff Present:**

Angi Thompson, Development Processing Manager  
Ed O'Malley, Program Specialist  
Erin Hartigan, Assistant County Attorney  
Wendy Breeden, Public Resources Director  
Tom Merchant, Library Services Director  
Bobby Bonilla, Parks Director

**Others Present:**

Harry Fix, Lake County School Board  
T. J. Fish, Exec. Director MPO (Arrived 9:58 AM)  
Vance Joachim, Lake County citizen

Chairman Hurlbert called the meeting to order at 9:30 a.m., welcomed Commissioner Sean Parks as the new Board of County Commissioners liaison to the Impact Fee Committee and noted that the meeting had been duly advertised. After self introductions of the committee, staff and guests she then asked for a motion on the October 21, 2010 Lake County Impact Fee Committee meeting minutes.

**MOTION was made by Dennis Sargent, SECONDED by Jim Richardson to approve the October 21, 2010 Lake County Impact Fee Committee minutes.**

**FOR: Banker, Benham, Hurlbert, Nagle, Richardson, Sargent, Talmage**

**AGAINST: None**

**NOT PRESENT:**        **Buxman, MacLeod, Winslow**

**MOTION CARRIED:**    **7 – 0**

### **Old Business**

Update on the status of Impact Fee studies/ordinance:

Ms. Thompson stated that the impact fee study completed by Duncan Associates has yet to go before the Board. She indicated that the Board has had further discussion on the issues surrounding transportation infrastructure and the need to resolve this funding question.

Commissioner Parks added that he has reviewed the studies completed in the last two years relative to funding transportation infrastructure. He stated that important issues were identified with various solutions offered. He further stated that impact fees were not a first choice for him to satisfy these needs but he was open to all ideas and looks forward to working with the other commissioners to find a solution.

Jim Richardson indicated at this point that the League of Cities has also had discussions on this topic and it was their general opinion that a gas sales tax was the most desirable option from their perspective. He also stated for the record that the recently completed Duncan and Associates study was reviewed and forwarded to the Board by the prior members of the Impact Fee Committee and may not reflect the feelings of current members.

Linda Nagle asked for an update on whether funding remains in the impact fee study for the study itself to be brought back before the Impact Fee Committee for additional review and recommendations due to the large turnover in committee members. Ms. Thompson indicated that money remains in the study for further meetings between the County and Duncan Associates but it is unclear at this time how many meetings before the Board of County Commissioners (BCC) would be required and monies currently available may be required for those meetings. Additionally, Ms. Thompson stated that since the committee has made a recommendation with respect to the study there is no real need to bring it back before the committee unless the BCC determines that it would like to hear from the committee again.

Commissioner Parks added that if it is the desire of the committee to take another look at the study he is open to the idea and that the committee should make the BCC aware of this desire.

Ms. Nagle asked that a poll of committee members be taken to determine if a majority of members felt a need to relook at the study and its results. Ms. Hurlbert conducted a verbal poll and a majority of members present indicated they would like to revisit the study. Ms. Hurlbert indicated the chair of the committee would appear at the next regularly scheduled BCC meeting and make this request of the Board.

### **New Business**

Annual Election of Officers:

Ms. Hurlbert opened the floor for nominations to the position of Chairman of the Impact Fee Committee for 2011. Dennis Sargent nominated Mr. Davis Talmage.

No other nominations were forthcoming. A voice vote was called for by Ms. Hurlbert. Mr. Talmage was approved unanimously by the members present to serve as Chairman.

Ms. Hurlbert opened the floor for nominations to the position of Vice Chairman of the Impact Fee Committee for 2011. Davis Talmage nominated Dennis Sargent.

No other nominations were forthcoming. A voice vote was called for by Ms. Hurlbert. Mr. Sargent was approved unanimously by the members present as Vice Chairman.

Ms. Hurlbert turned the meeting over to the new Chair, Davis Talmage.

#### Library Fee Report:

Tom Merchant, Library Services Director

Mr. Merchant provided an overview of 2009 and 2010 balances, revenues and expenditures along with a summary outlining the decision-making process between Library Services and the member city libraries to prioritize project selection and spending. These recommendations are taken to the Library Services Advisory Board for discussion and review. The recommendations adopted by this advisory board are then taken before the Board of County Commissioners for final review and approval. In addition to the general overview, Mr. Merchant provided details on the eight (8) open projects with awarded amounts, disbursements, and continuing balances.

Ms. Nagle asked for an explanation of library branches versus member libraries. Mr. Merchant explained there are fifteen (15) libraries in the countywide system. Nine (9) of these are municipal libraries meaning the facilities are owned or leased by the municipality and the employees are municipal employees. By agreement with the county these municipal libraries make their facilities and services available to all of the citizens of Lake County. In return the county provides partial funding to these member libraries. The six (6) branch libraries in the system are county owned or leased facilities with county employees and these fill in the gaps between municipalities in the County. Eustis library is not a member library in the system.

Ms. Nagle inquired as to whether any further discussion has been held regarding the closing of the library in Sorrento. Mr. Merchant responded that no further discussions have been held since the BCC tabled the issue in February or March of 2010. Ms. Breeden indicated that this issue could come up again in the next budget cycle depending on direction from the BCC.

Mr. Richardson asked how the county apportioned money to the member libraries. Mr. Merchant stated that the apportionment of money is based on county wide circulation figures. In this way a member library open longer hours and theoretically having a higher circulation figure would be entitled to a higher proportion of county funds. Mr. Merchant explained that these formulas are included in the interlocal agreements which exist between the county and each member library. The interlocal agreements are in force for a period of three years and they are all due for review and renewal in 2011.

Mr. Vance Joachim, a guest at the meeting, added that the countywide system works extremely well. He wished to commend the library personnel for a job well done.

Mr. Banker asked what percentage of the library's budget is funded by impact fees. Mr. Merchant explained that impact fees may not be used for operating budgets. Impact fees can only be used to fund capital expenditures that are directly attributable to new growth.

#### Parks Fee Report:

Bobby Bonilla, Parks Director

Mr. Bonilla provided a brief overview of the three park districts in the county and then identified the parks currently under development in each of the three districts. He detailed project expenses by district for 2009/2010, beginning balances in the library impact fee account for 2010/2011 and proposed expenditures by district for 2010/2011.

Ms. Nagle asked if dog park fencing was funded by impact fees. Mr. Bonilla stated that operating fees are generally used to pay for this fencing. Discussions followed concerning situations where field and park fencing may be bid in conjunction with dog park fencing to obtain better pricing. Ms. Breeden offered that impact fee funds could be used

for these purposes. Ms. Nagle countered that she was in favor of the idea of fenced in dog parks but could not see a justification for using impact fee money for these. Erin Hartigan from the County Attorney's Office offered that issues such as this usually come to their attention and are resolved by the attorneys. She did state that dog park fencing had never been identified as an issue in the past. Sean Parks added that besides a legal issue there is potentially a policy issue. Ms. Nagle agreed and asked if there is a policy regarding this issue. Ms. Breeden stated that the issue had never come up and no policy exists. An example was cited for the dog fencing at North Lake Park which was added after project completion. Mr. Bonilla stated that funds to pay for the fencing came from the ad valorem tax.

Mr. Fix added that from the school district perspective no landscape buffer would be required between the school and park at East Lake Park. Mr. Bonilla thanked Mr. Fix for the comment and indicated he would take this up with the plan reviewers.

Ms. Nagle asked if there is a projected completion date for East Lake Park. Mr. Bonilla indicated the park is still in the planning stage with completion scheduled in phases with some areas to be opened by the autumn of 2011.

Discussion followed led by Commissioner Parks regarding the definition of impact fee eligible funding. Ms. Thompson indicated that the ordinance does identify thirteen (13) different categories of expenditures within the park impact fee that are legitimate areas for funding. She further indicated that staff's perspective is that any expenditure which increases the capacity of the park is a legitimate expense for impact fees. This led to a discussion of unnecessary restrictions which may result from too strict a definition on what can be paid for with impact fee money. In the past issues which have come up are referred to the County Attorney for clarification.

Discussion then followed on whether county policy could be established to identify specific eligible or ineligible impact fee funding. Commissioner Parks indicated something like this at the committee level would require more detailed involvement of the committee. Most members seem to agree that the current system of determining eligible expenses is adequate.

Ms. Hurlbert asked about the phrase "No Collection Allowance beginning FY 08/09" which appears on the spreadsheets provided by Mr. Bonilla. It was explained that this referred to the administrative fee which in prior years was subtracted from the collected impact fees.

Mr. Fish added that the Parks Advisory Board helps identify specific funding requirements. Mr. Fish asked if the parks impact fee money could be used for sidewalks leading to the Park. Mr. Bonilla indicated Public Works has the budgets for this. The Parks Department only funds within the boundaries of the Park. Mr. Fish asked whether trails outside the park could be funded. Mr. Bonilla restated that they only fund items within the Park boundary. Mr. Fish expressed his feelings that it's a travesty that parks can't fund trails and bike paths to get to the park.

#### 2011 Meeting Schedule Review:

Ms. Thompson shared the 2011 schedule of impact fee meetings and topics. The meetings are currently scheduled for the third Thursday of April, July and October. Ms. Thompson asked Mr. Fix if he knew when the school impact fee study currently underway would be available for review by this committee and if he felt any additional impact fee committee meeting(s) should be scheduled to discuss the results of this study. Mr. Fix was not certain of dates and he indicated that he would check with the consultant and get back to Ms. Thompson to indicate whether the scheduled meetings would be suitable or if an additional meeting will be necessary.

A separate motion was made at this time to accept the Library and Parks reports which had been delivered. The verbal vote passed unanimously.

Ms. Thompson spent several minutes, for the benefit of all new committee members, discussing the standard items identified on the planned meeting schedule and unplanned items which may require additional meetings.

Mr. Sargent indicated that he volunteered for the committee so that he could contribute ideas on business stimulation

within the county. He indicated that he would like to present some of his ideas at the April meeting. He cited an example of replacing a mobile home with a site built house which currently incurs added impact fees. He indicated that perhaps the county should be encouraging this behavior rather than discouraging the behavior.

Ms. Thompson indicated she would include time on the April agenda for Mr. Sargent.

Mr. Richardson raised the issue of different fees for site built homes versus mobile homes. Ms. Thompson indicated that would be a great question to ask the consultants when they present study results.

Ms. Thompson asked if any other items needed to be added to the meeting schedules.

Commissioner Parks mentioned the upcoming Economic Action Summits planned by the county in February. He also indicated that he feels the Alternative Funding Task Force Study results were items he hoped would be reviewed and discussed further by this committee.

Ms. Thompson completed her review of the upcoming meeting agendas.

Mr. Fish related his role with the MPO and the difficulty they face in projecting future road projects due to no funding currently being collected and no long term funding plan in place. A round table discussion followed on the BCC's involvement with these funding issues.

Mr. Talmage adjourned the meeting at 10:43AM.

Respectfully submitted,

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Ed O'Malley  
Program Specialist

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Davis Talmage  
Chairman